

# KAMPMEIER & KNUTSEN PLLC

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RECEIVED ON:

SEP 28 2015

September 24, 2015

EPA Region 10  
Office of the Regional Administrator

*Via Certified Mail - Return Receipt Requested*

Managing Agent  
BJB Milling & Lumber, LLC  
101 Iowa Street  
Eugene, Oregon 97402

**Re: Notice of Intent to File Suit under the Clean Water Act.**

Dear Managing Agent:

This letter provides BJB Milling & Lumber, LLC (hereinafter "BJB Milling") with sixty days' notice of the Northwest Environmental Defense Center's intent to file a citizen lawsuit against it under Section 505 of the Clean Water Act, 33 U.S.C. §1365, for the Clean Water Act violations described in this letter. The Northwest Environmental Defense Center (hereinafter "NEDC") is a non-profit organization dedicated to protecting the natural environment of the Pacific Northwest. Kampmeier & Knutsen, PLLC represents NEDC in this matter and any response to this notice of intent to sue should be directed to us at the address below.

## **I. VIOLATIONS OF THE CLEAN WATER ACT.**

Congress enacted the Clean Water Act in 1948 to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. §1251(a). In doing so, Congress declared a national goal of eliminating discharges of pollutants to navigable waters by 1985. To limit and control water pollution in Eugene, Oregon, the Oregon Department of Environmental Quality and the City of Eugene, Oregon authorized BJB Milling to discharge stormwater associated with industrial activity from July 1, 2012 to June 30, 2017 by granting BJB Milling coverage under Oregon's General National Pollutant Discharge Elimination System Stormwater Discharge Permit No. 1200-Z (File Number 108749) (hereinafter "NPDES permit").

BJB Milling's NPDES permit authorizes BJB Milling to discharge stormwater associated with industrial activity, provided the discharges are "in conformance with all the requirements, limitations, and conditions set forth" in the permit. Any other direct or indirect discharge to waters of the state is

prohibited, including those discharges that are not in compliance with the terms and conditions of the permit. See Schedule A.13.a and Schedule F of the 2012 1200-Z permit, Section A (Duty to Comply) (“Any permit noncompliance constitutes a violation of ... the Clean Water Act ... and is grounds for enforcement action....”).

BJB Milling has violated and is violating Sections 301(a) and 402 of the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1342), by discharging pollutants and stormwater associated with industrial activity from the BJB Milling facility at or near 101 Iowa Street, Eugene, Oregon 97402 (hereinafter the “facility”), to Amazon Creek (also known as the Amazon Diversion Canal), the Long Tom River, and the Willamette River, in violation of the terms and conditions of BJB Milling’s NPDES permit. This letter provides sixty days’ notice of NEDC’s intent to sue over violations at the facility, as well as violations at any properties that are owned or operated by BJB Milling and contiguous or adjacent to the facility.

A. VIOLATIONS OF THE PERMIT APPLICATION REQUIREMENTS.

Because BJB Milling exceeded the benchmark for total suspended solids (“TSS”) for its fourth year geometric mean evaluation under BJB Milling’s prior 1200-Z NPDES permit, Condition 4.a.ii.1 of the “Permit Coverage and Exclusion from Coverage” section of BJB Milling’s NPDES permit required BJB Milling to submit to the City of Eugene, by March 31, 2012, an updated Stormwater Pollution Control Plan (hereinafter “SWPCP”) that included additional stormwater treatment measures, with the goal of achieving the benchmarks in Schedule A.9 of its NPDES permit in future discharges, as well as an explanation of the rationale for the treatment measures selected and the projected reduction of pollutant concentrations that would result. A licensed professional engineer or certified engineering geologist must design and stamp the portion of the SWPCP that addresses the additional treatment measures. BJB Milling has violated and is violating this permit requirement by failing to timely submit an updated SWPCP that complies with all of these requirements. This violation has occurred each and every day since March 31, 2012.

B. VIOLATIONS OF THE NARRATIVE, TECHNOLOGY-BASED EFFLUENT LIMITS AND THE CONTROL MEASURES REQUIRED TO MEET THOSE LIMITS.

Schedule A.1 of BJB Milling’s NPDES permit requires BJB Milling to meet the listed narrative technology-based effluent limits and any additional sector-specific limits in Schedule E of the NPDES permit. The narrative technology-based effluent limits in Schedule A.1 of the permit require BJB Milling, among other things, to “minimize exposure of manufacturing, processing, [and] material storage areas ... to rain, snow, snowmelt and runoff” (Schedule A.1.a); to employ measures to eliminate or minimize oil and grease contamination of stormwater discharges (Schedule A.1.b); to “recycle or properly dispose of wastes to eliminate or minimize exposure of pollutants to stormwater” (Schedule A.1.c); to “stabilize exposed areas and contain runoff using structural and nonstructural controls to minimize erosion of soil at the site and sedimentation” (Schedule A.1.d); to “employ screens, booms, settling ponds, or other methods to eliminate or minimize waste, garbage and floatable debris in stormwater discharges and ensure that this debris is not discharged to receiving waters” (Schedule A.1.e); “to minimize generation of dust and off-site tracking of raw, final or waste materials” (Schedule A.1.f); to “routinely clean all exposed areas that may contribute pollutants to stormwater using such measures as sweeping at regular intervals, litter pick-up, keeping materials orderly and labeled, prompt



clean-up of spills and leaks, proper maintenance of vehicles and stowing materials in appropriate containers” (Schedule A.1.g); to minimize the potential for spills and develop spill prevention and response plans (Schedule A.1.h); to regularly inspect, clean, maintain and repair all equipment, systems, areas, and stormwater control measures (Schedule A.1.i); and to develop and maintain an employee education program on the components and goals of the SWPCP (Schedule A.1.j).

Schedule E.A.1 of the NPDES permit identifies the sector specific narrative technology-based effluent limits applicable to the facility, which require BJB Milling to limit the discharge of wood debris, minimize leachate from decaying wood materials, and minimize the generation of dust.

Additionally, Schedule A.3.a of BJB Milling’s NPDES permit requires BJB Milling “to select, design, install, implement and maintain control measures to meet the narrative and numeric technology based effluent limits in Schedule A.1, A.2 and Schedule E of the permit and [to] describe[] these measures in the SWPCP.” Schedule A.6.c of the NPDES permit then requires BJB Milling to implement the SWPCP. Perhaps most importantly, Schedule A.3.b of the NPDES permit requires BJB Milling to “**...reduce or eliminate pollutants to the extent achievable** using control measures that are technologically available and economically practicable and achievable in light of best industry practice.”

BJB Milling has violated and is violating these NPDES permit conditions by failing meet the narrative technology based effluent limits in Schedule A.1 and Schedule E of the NPDES permit; by failing to select, design, install, implement, and maintain control measures that meet the narrative technology-based effluent limits in Schedule A.1 and Schedule E; by failing to describe such measures in its SWPCP; and by failing to fully implement its SWPCP. These violations are demonstrated by the fact that BJB Milling is greatly exceeding the pollutant benchmarks imposed by Schedule A.9 of the permit. These violations have occurred each and every day since BJB Milling obtained coverage under the NPDES Permit on September 12, 2013.

Schedule A.9 of the NPDES permit explains that the benchmarks “are designed to assist the permit registrant in determining whether its site controls are effectively reducing pollutant concentrations in stormwater discharged from the site.” Schedule A. establishes the following statewide benchmark applicable to BJB Milling: total copper 0.020 mg/L; total lead 0.040 mg/L; total zinc 0.12 mg/L; pH 5.5 – 9.0 S.U.; total suspended solids 100 mg/L; and total oil and grease 10 mg/L. Schedule E.A.3 establishes the following sector-specific benchmark applicable to BJB Milling: chemical oxygen demand 120.0 mg/L. BJB Milling discharges to a water body that is not meeting water quality standards for various pollutants, including arsenic, and the NPDES permit therefore requires BJB Milling to monitor for this parameter and establishes a reference concentration for arsenic of 0.0021 mg/L. BJB Milling has repeatedly failed to meet these benchmarks, as indicated in Table 1 below.

**Table 1**  
**Discharge Monitoring Results Reported by BJB Milling**

	pH (S.U.) (Bench- mark: 5.5 - 9.0 S.U.)	TSS (mg/L) (Bench- -mark: 100 mg/L)	O & G (mg/L) (Bench- mark: 10 mg/L)	Copper (mg/L) (Bench- mark: 0.020 mg/L)	Lead (mg/L) (Bench- mark: 0.040 mg/L)	Zinc (mg/L) (Bench- mark: 0.12 mg/L)	COD (mg/L) (Bench- mark: 120 mg/L)	Arsenic (mg/L) (Bench-mark: 0.0021 mg/L)
11/12/13	6.9	<b>1420</b>	ND	<b>0.37</b>	<b>0.12</b>	<b>0.74</b>	<b>399</b>	<b>0.017</b>
12/13/13	8	<b>1110</b>	ND	<b>0.23</b>	<b>0.058</b>	<b>1.1</b>	<b>370</b>	
2/18/14	6.8	<b>1220</b>	<b>29.5</b>	<b>0.18</b>	<b>0.049</b>	<b>0.84</b>	<b>333</b>	<b>0.007</b>
3/27/14	6.55	<b>7660</b>	<b>49.3</b>	<b>0.31</b>	<b>0.36</b>	<b>4.5</b>	<b>1580</b>	
Geo-Mean		<b>2001.8</b>	9.76	<b>0.2625</b>	<b>0.105</b>	<b>1.3244</b>	<b>527.92</b>	
11/3/14	7.14	<b>1860</b>	<b>30.1</b>	<b>0.444</b>	<b>0.152</b>	<b>2.38</b>	<b>612</b>	<b>0.0189</b>
11/21/14	7.29	<b>3900</b>	<b>56.2</b>	<b>0.661</b>	<b>0.223</b>	<b>3.59</b>	<b>961</b>	
2/2/15	7.1	<b>2400</b>	<b>55</b>	<b>0.458</b>	<b>0.284</b>	<b>2.83</b>	<b>1100</b>	<b>0.0079</b>
3/23/15	W	<b>2000</b>	<b>32</b>	<b>0.46</b>	<b>0.19</b>	<b>2.4</b>	<b>150</b>	
Geo-Mean		<b>2429</b>	<b>42</b>	<b>0.499</b>	<b>0.207</b>	<b>2.76</b>	<b>558</b>	

TSS – total suspended solids

O & G – oil and grease

COD – chemical oxygen demand

ND – No Detect, result below analysis detection level

W – Waiver, monitoring requires for the parameters are waived

**Bold** – result is over the permit benchmark

The benchmark exceedances by BJB Milling are ongoing and demonstrate that BJB Milling's site controls are not effectively minimizing or reducing pollutants in stormwater discharged from the facility. BJB Milling can and must do more to reduce those pollutant loads, including revising its SWPCP and then implementing those revisions in a timely manner.

The significant increases in pollutant loadings in BJB Milling's stormwater discharges from one year to the next, and from one month to the next, also demonstrate that BJB Milling could be, but is not, doing more to minimize and eliminate pollutants in its stormwater discharges, in violation of Schedule A.1, A.3.a, and A.3.b of the NPDES permit. The Industrial Stormwater Discharge Monitoring Reports that BJB Milling submitted to the City of Eugene since 2012 demonstrate a very significant increase in pollutant loading from one year to the next. For example, the geometric mean value for total suspended solids for the year July 1, 2012 to June 30, 2013 was 182.2 mg/L, while the geometric mean value for total suspended solids for the next year, July 1, 2013 to June 30, 2014, was more than ten times that, at 2001.81 mg/L. Those same Industrial Stormwater Discharge Monitoring Reports demonstrate a similar, very significant increase in pollutant loading for copper, where the geometric mean value more than doubled from one year to the next, and for zinc, where the geometric mean value more than quadrupled from one year to the next. Similarly, the sample results for February and March 2014 show that discharges of Chemical Oxygen Demand more than quadrupled in that short time period. And the



geometric mean values for TSS, Copper, Lead, Zinc, Oil and Gas, Chemical Oxygen Demand, and Arsenic then increased yet again over the course of 2014-2015. These significant increases in pollutant loadings demonstrate that BJB Milling could be, but is not, doing more to minimize and eliminate pollutants in its stormwater discharges, in violation of Schedule A.1, A.3.a, and A.3.b. of the NPDES permit.

BJB Millings' failure to minimize pollutant loadings in its stormwater discharges also demonstrates that BJB Milling has violated and is violating Schedule A.3.d of the NPDES permit. Schedule A.3.d.i of BJB Milling's NPDES permit states: "If the permit registrant is failing to implement the control measures in the SWPCP, they must take corrective actions and implement the measures before the next storm event if practicable, unless otherwise approved by [the Oregon Department of Environmental Quality] or Agent." Additionally, Schedule A.3.d.ii of BJB Milling's NPDES permit states:

If modifications to the control measures are necessary to meet the technology limits in the permit, permit registrant must revise SWPCP within 30 days, unless otherwise approved by DEQ or Agent. Permit registrant must implement the corrective actions before the next storm event if practicable or no later than 60 days from discovering the violation, unless a later date is approved by DEQ or Agent.

BJB Milling has violated and is violating these requirements by failing to fully implement its SWPCP and by failing to take corrective actions even though modifications to the control measures are necessary to meet the effluent limits in the permit. These violations have occurred each and every day since BJB Milling obtained coverage under the NPDES Permit on September 12, 2013

#### C. VIOLATIONS OF WATER QUALITY BASED EFFLUENT LIMITATIONS.

Schedule A.4.a of BJB Milling's NPDES permit prohibits BJB Milling from causing or contributing to a violation of instream water quality standards as established in Oregon Administrative Rules 340-041. BJB Milling discharges to a water body identified as failing to meet the water quality standard for arsenic. As indicated in Table 1 above, discharges from BJB Milling contain elevated levels of arsenic. BJB Milling has violated and is violating Schedule A.4.a of the NPDES permit by discharging stormwater that causes or contributes to violations of the water quality standard for arsenic in the receiving water. These violations have occurred each and every day since BJB Milling obtained coverage under the NPDES Permit on September 12, 2013, on which there was 0.1 inch or more of precipitation, including on the following days when BJB Milling collected a sample of its discharge that exceeded the reference concentration for arsenic: November 12, 2013; February 18, 2014; November 3, 2014; and February 2, 2015.

#### D. SWPCP VIOLATIONS.

Schedule A.6.a and A.6.c require BJB Milling to prepare and implement a SWPCP consistent with the requirements of the NPDES permit. Schedule A.7 of the NPDES permit describes the required elements for the SWPCP, which include a description of control measures installed and implemented to meet the technology and water quality based requirements in Schedule A.1 – A.5 and Schedule E; a description of how the stormwater control measures address potential pollutant sources from industrial

activities and significant materials at the facility (Schedule A.7.b.v); and preventative maintenance procedures for conducting inspections, maintenance, and repairs (Schedule A.7.c.ii.). BJB Milling has violated and is violating these requirements by failing to prepare and/or implement a SWPCP that meets these requirements. These violations have occurred each and every day since BJB Milling obtained coverage under the NPDES Permit on September 12, 2013. BJB Milling has further violated and is violating Schedule A.6.c of its NPDES permit because it has abandoned and/or failed to fully and properly implement the treatment measures incorporated into its SWPCP as part of the Tier II Corrective Action triggered by its fourth year benchmark compliance evaluation under the prior 1200-Z NPDES permit. These violations have occurred each and every day since BJB Milling abandoned its efforts to timely implement the treatment measures, which occurred no later than September 12, 2015.

E. CORRECTIVE ACTION VIOLATIONS.

1. *Tier I Violations.*

Schedule A.10 of BJB Milling's NPDES permit obligates BJB Milling to conduct a Tier I Corrective Action Response anytime its stormwater sampling results exceed an applicable statewide benchmark identified in Schedule A.9, an applicable sector specific benchmark identified in Schedule E, or an applicable impairment pollutant reference concentration identified in BJB Milling's permit assignment letter. A Tier I Corrective Action requires BJB Milling, within 30 days of receiving the monitoring results, to investigate the cause of the elevated pollutant levels, review its SWPCP and the selection, design, installation, and implementation of control measures to ensure compliance with the NPDES permit, make any necessary revisions to the SWPCP, and submit the revisions to the City of Eugene. The NPDES permit further requires that BJB Milling prepare and retain a Tier I report that summarizes the results of the investigation, the corrective actions taken or to be taken, the corrective action schedule, the basis for any determination that corrective action is not necessary, and whether SWPCP revisions are necessary. The Tier I Corrective Action must be implemented before the next storm even if possible or as soon as practicable.

BJB Milling has repeatedly exceeded benchmarks and the arsenic reference concentration as indicated in Table 1 above. BJB Mill has violated and is violating the requirements of Schedule A.10 of the NPDES permit by failing to timely complete a Tier I Corrective Action Response that fulfills all of the requirements described above for each of the benchmark exceedances for total copper, total lead, total zinc, total oil and grease, and chemical oxygen demand, and for each of the reference concentration exceedances for arsenic identified in Table 1 above. (BJB Milling has also exceeded the benchmark for total suspended solids, but is exempt from Tier I requirements because it is required to implement a Tier II for total suspended solids under Schedule S.11).

2. *Tier II Violations.*

Schedule A.11 of the NPDES permit requires facilities to complete a Tier II Corrective Action if it exceeded a benchmark based upon the 4<sup>th</sup> year benchmark compliance evaluation required under the previous iteration of the NPDES permit. This Tier II Corrective Action requires permittees, within two years of obtaining permit coverage, to install and implement the treatment measures prescribed by Condition 4 of the Permit Coverage and Exclusion Section of the NPDES permit. That provision requires permittees to prepare an updated SWPCP that includes additional stormwater treatment



measures with the goal of achieving benchmarks in future discharges and an explanation of the rationale for the treatment measures selected and the projected reduction of pollutant concentrations that would result. BJB Milling exceeded the benchmark for total suspended solids (TSS) based upon its fourth year benchmark compliance evaluation under the prior 1200-Z NPDES permit and was therefore required to have fully installed and implemented the treatment measures within two years of obtaining permit coverage—no later than September 12, 2015. BJB Milling has violated and is violating Schedule A.11 of the NPDES permit by failing to fully and properly implement Tier II corrective actions for TSS within the time period required by the NPDES permit. These violations have occurred each and every day since September 12, 2015.

Additionally, Schedule A.12 of the NPDES permit requires BJB Milling to complete a Tier II Corrective Action Response if the geometric mean of sample results collected during the 2<sup>nd</sup> year of coverage under the current NPDES permit exceed any statewide benchmark of Schedule A.9. This Tier II Corrective Action requires permittees to revise the SWPCP to include additional treatment measures with the goal of achieving benchmarks in future discharges and to describe the rationale for the selection of the measures, the projected reduction of pollutant concentrations, and the schedule for implementing the additional measures. A licensed professional engineer or a certified engineering geologist must design and stamp the portion of the SWPCP that addresses the treatment measures. The revised SWPCP must be submitted to the City of Eugene by December 31<sup>st</sup> of the 3<sup>rd</sup> year of coverage under the current NPDES permit—i.e., by December 31, 2014—and fully implemented by June 40 of the 4<sup>th</sup> year of coverage under the current NPDES permit. As described in BJB Milling's NPDES permit coverage letter, monitoring data collected during the July 1, 2013 to June 30, 2014 monitoring year are to be used as the 2<sup>nd</sup> year data for triggering the Tier II Corrective Action requirements of Schedule A.12.

As indicated on Table 1 above, BJB Milling triggered these Tier II Corrective Action requirements for total copper, total lead, and total zinc. BJB Milling is in violation of the requirements of Schedule A.12 of the NPDES permit because it has failed to timely complete the Tier II Corrective Action requirements described above for these parameters, including by failing to submit a revised SWPCP to the City of Eugene, Oregon by December 31, 2014. These violations have occurred each and every day since December 31, 2014.

#### F. VIOLATIONS OF INSPECTION REQUIREMENTS.

Schedule B.7 of the NPDES permit requires BJB Milling to conduct monthly inspections of areas exposed to stormwater and where stormwater control measures, structures, catch basins, and treatment facilities are located. BJB Milling must inspect for: industrial material that could contact stormwater, leaks or spills, offsite tracking of materials, tracking or blowing of materials, evidence of, or the potential for, pollutants entering the drainage system, evidence of pollutants discharging to waters at all outfalls, the presence of floating solids, foam, oil sheen, discoloration of discharges at all outfalls, and properly functioning stormwater control measures. An inspection report must be prepared and maintained for each monthly inspection that documents the inspection date and time, control measures needing cleaning, replacement, maintenance, reconditioning or repair, the condition of the drainage/conveyance system and need for maintenance, previously unidentified sources of pollutants, stormwater discharge observations and whether discharges contained floating solids, foam, oil sheen, or discoloration, and any corrective actions that will be taken in response to the inspection. Based upon information and belief, BJB Milling is in violation of Schedule B.7 of the NPDES permit because, since

obtaining permit coverage on September 12, 2013, it has failed to conduct and document each of the requisite monthly inspections in accordance with the requirements described above.

**G. VIOLATIONS FOR FAILURE TO MITIGATE.**

Schedule F.A.3 of BJB Milling's NPDES permit requires BJB Milling to take all reasonable steps to minimize or prevent any discharge in violation of BJB Milling's NPDES permit. Each of the permit violations alleged in this notice of intent to sue also constitutes a violation of Schedule F.A.3 of BJB Milling's NPDES permit. As explained throughout this notice of intent to sue, BJB Milling has failed and is failing "to take all reasonable steps to minimize or prevent any discharge in violation of BJB Milling's NPDES permit."

**H. NONCOMPLIANCE REPORTING VIOLATIONS.**

Schedule F.D.6 of BJB Milling's NPDES permit requires BJB Milling to report to DEQ or the City of Eugene all instances of noncompliance not reported under General Condition D.4 or D.5 (Schedule F.D.4 of F.D.5) at the time BJB Milling submits its monitoring reports. Each noncompliance report must contain a description of the noncompliance and its cause, the period of noncompliance, an estimate of the time noncompliance is expected to continue, and the steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. BJB Milling has violating and is violating this permit requirement because it failed to submit to the Oregon Department of Environmental Quality or the City of Eugene sufficient noncompliance reports explaining all the instances of noncompliance described in this notice letter in a timely manner.

**II. PARTY GIVING NOTICE.**

The full name, address, and telephone number of the party giving notice is:

Northwest Environmental Defense Center  
10015 S.W. Terwilliger Boulevard  
Portland, Oregon 97219  
(503) 768-6673

**III. ATTORNEYS REPRESENTING NEDC.**

The attorneys representing NEDC in this matter are:

Paul Kampmeier and Brian Knutsen  
Kampmeier & Knutsen, PLLC  
615 Second Avenue, Suite 360  
Seattle, Washington 98104  
(206) 223-4088 extension 4



#### IV. CONCLUSION.

The permit violations described and alleged in this notice of intent to sue are ongoing and violate the Clean Water Act. At the conclusion of the 60-day notice period, NEDC intends to file a lawsuit against BJB Milling under the citizen suit provisions of Section 505 of the Clean Water Act, 33 U.S.C. § 1365. Each of the above-described violations subjects the violator to a penalty of up to \$37,500 per day. In addition to civil penalties, NEDC will seek injunctive relief to prevent further violations and such other relief as is permitted by law, including recovery of NEDC's costs, attorneys' fees, and expert witness fees. See 33 U.S.C. §§ 1365(a) and (d). Although the above-described violations reflect the information currently available to NEDC, NEDC intends to sue for all violations, including those yet to be uncovered and those committed after the date of this notice letter.

During the 60-day notice period NEDC will be willing to discuss effective remedies for the violations described in this letter. If you wish to pursue settlement discussions in the absence of litigation, we suggest that you initiate discussions within 10 days of receiving this notice so the parties can meet and discuss effective remedies for the violations alleged herein. NEDC does not intend to delay the filing of a complaint if discussions are ongoing when the notice period ends.

Very truly yours,

Kampmeier & Knutsen, PLLC

By:   
Paul A. Kampmeier  
Brian A. Knutsen 

cc: Gina McCarthy, Administrator, U.S. Environmental Protection Agency  
Dennis McLerran, Region 10 Administrator, U.S. Environmental Protection Agency  
Dick Pedersen, Director, Oregon Department of Environmental Quality  
Mr. James Youel, Registered Agent for BJB Milling & Lumber, LLC, 188 West B Street,  
Building O, Springfield, Oregon 97477

## CERTIFICATE OF SERVICE

I, Paul Kampmeier, declare under penalty of perjury of the laws of the United States that I am counsel for Northwest Environmental Defense Center and that on September 24, 2015, I caused copies of the foregoing Notice of Intent to Sue Under the Clean Water Act to be served on the following by depositing it with the U.S. Postal Service, postage prepaid, via certified mail, return receipt requested:

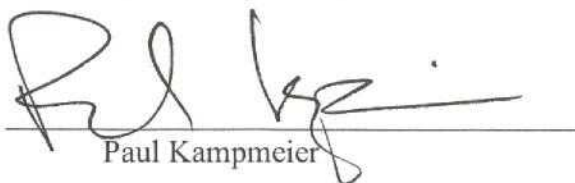
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Eugene, Oregon 97402

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